

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS  
EASTERN DIVISION

STEVEN G. WICKS,  
GERALD A. KALBFLEISCH, and  
MICHAEL and MYRTLE HATHAWAY

Plaintiffs,

v.

PUTNAM INVESTMENT  
MANAGEMENT, LLC and  
PUTNAM RETAIL  
MANAGEMENT, LLP,

Defendants.

Civil Action No: 04-CV-10988

**PLAINTIFFS' LOCAL RULE 56.1 STATEMENT IN RESPONSE TO DEFENDANTS'  
MOTION FOR SUMMARY JUDGMENT ON CLAIMS OF STEVEN G. WICKS**

In accordance with Local Rule 56.1, Plaintiffs submit as follows:

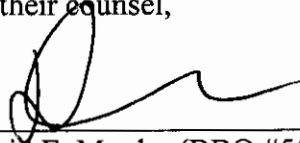
1. Plaintiffs admit paragraph 1 set forth in Defendants' Local Rule 56.1 statement.
2. Plaintiffs admit paragraph 2 set forth in Defendants' Local Rule 56.1 statement.<sup>1</sup>

<sup>1</sup> Although immaterial to the disposition of Defendants' motion for summary judgment, because Defendants raise the issue in their papers, Plaintiffs state that plaintiffs' counsel first learned of Wicks' February 2005 sales in May of 2005. Declaration of Thomas R. Grady, attached to Plaintiffs' Opposition to Defendants Summary Judgment Motion as Exhibit "A."

Respectfully submitted,

STEVEN G. WICKS  
GERALD A. KALBFLEISCH  
MICHAEL and MYRTLE HATHAWAY

By their counsel,



David E. Marder (BBO #552485)  
Marc N. Henschke (BBO #636146)  
Jonathan D. Mutch (BBO # 634543)  
ROBINS, KAPLAN, MILLER & CIRESI L.L.P.  
800 Boylston Street, 25th Floor  
Boston, MA 02199  
(617) 267-2300

Thomas R. Grady (admitted pro hac vice)  
ACKERMAN, LINK & SARTORY, P.A.  
222 Lakeview Avenue, Suite 1250, Esperante  
West Palm Beach, FL 33401

Dated: July 18, 2005

**CERTIFICATE OF SERVICE**

I, David E. Marder, hereby certify that on July 18, 2005 I caused the attached to be served by first class mail upon Defendants' counsel of record at the following addresses:

Seth M. Schwartz, Esq.  
Skadden, Arps, Slate, Meagher & Flom LLP  
Four Times Square  
New York, NY 10036

and

James R. Carroll, Esq.  
Skadden, Arps, Slate, Meagher & Flom LLP  
One Beacon Street  
Boston, Massachusetts 02108-3194



David E. Marder